

DECLARATION OF SOFIA AGUILAR

I, Sofia Aguilar, am a Patent Prosecution Administrator at Osler, Hoskin & Harcourt LLP in Montreal, Quebec, Canada working under the authority of Mr. Jonathan D. Cutler (the Patent Attorney for the Applicant). I have occupied this position since November 2005. I have occupied similar positions since March 2005. Part of my function in this position consists in docketing office communications and generating due date reports for the agents responsible for the files.

On July 5, 2006 a Corrected Notice of Allowance dated June 21, 2006 was received by the firm. This Corrected Notice of Allowance made reference to a previously-mailed Notice of Allowance dated May 30, 2006 with a due date of August 31, 2006.

I receive, review and docket all incoming mail from the Office, and to my knowledge no Notice of Allowance dated May 30, 2006 was never received by the firm.

Upon review of the transaction history and the image file wrapper of the USPTO's Patent Application Information Retrieval (PAIR), an entry for a Notice of Allowance is registered but the document linked to the registry is an non-dated Supplementary Notice of Allowability.

On September 20, 2006 I contacted the USPTO Art Unit 3747 by telephone and spoke with Mr. Steven Cronin. I informed Mr. Cronin that I was unable to locate the application's original Notice of Allowance and Fee Transmittal Form in the file wrapper, as it was never received by the Applicant and requested a copy in order to make the payment of the Issue Fee. Mr. Cronin was also unable to find the Notice of Allowance or the Fee Transmittal Form and suggested that I contact him on the following day in order for him to discuss with his supervisor about this issue.

On September 21, 2006, I contacted Mr. Steven Cronin again and he informed me that he was unable to locate the Notice of Allowance and Fee Transmittal Form, that the only document he could find registered on the file history was a Corrected

Notice of Allowance date June 21, 2006 and that in despite of the fact that the period established in the Corrected Notice of Allowance made reference to a Notice of Allowance that was not possible to locate or prove that it was indeed sent by the Office to the Applicant, the statutory period ending on August 31, 2006 was valid and that the Issue Fee Payment should be sent with a Petition to the Director.

All statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

I acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the application or any patent issuing thereon.

/Sofia Aguilar/

September 21, 2006

Sofia Aguilar

Date